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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,033	02/09/2005	Zdravko Paluncic	2004_1964A	4870
513 7590 05/26/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
RASHID, MAHBUBUR				
ART UNIT		PAPER NUMBER		
3657				
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05/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,033

Applicant(s)

PALUNCIC ET AL.

Examiner

MAHBUBUR RASHID

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

Claims 1-16 are canceled.

Claims 17-25 are newly added.

Claim Objections

Claim 17 is objected to because of the following informalities: "a starting position" on the second last paragraph, is not clear if the applicant is referring another starting position or the one disclosed on line 17 of the claim. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: it is not clear exactly which end of the housing from where the valve piston is located, the applicant is considering as an opposite end as disclosed in the claim. The examiner is considering any end of the housing in any direction from where the valve piston is located, as the opposite end where the bearing shoulder is being located.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conley et al. (US 2003/0089553 A1) in view of Davis (US 2,550,535).

Regarding **claims 17, 19, 21, 23 and 25**, Conley discloses a distributor element comprising:

- a housing (3) having a lubricant inlet (43) , a connecting passage (71) , and a lubricant outlet (45 and 47);

- a valve piston (75) having a bore (93);

- a first return spring (77);

- a dispensing piston (25) and a metering chamber (27); and

- a second return spring (79);

wherein the valve piston (75) is movable within the housing (3) between:

- a starting position, where the bore (93) of the valve piston (75) allows a dispensing chamber (49) between the dispensing piston (25) and the valve piston (75) to communicate with the metering chamber (27) via the connecting passage (71);

a metering position whereat the valve piston (75) allows the lubricant inlet (43) to communicate with the metering chamber (27) via the connecting passage (71); and

an intermediate position whereat the valve piston (75) blocks and the lubricant inlet (43) from communicating with the metering chamber (27) via the connecting passage (71), and block the dispensing chamber (49) from communicating with the metering chamber (27) via the connecting passage (71);

wherein the dispensing piston (25) is *operable to move* (intended use) within the housing (3) from a starting position, whereat a volume of the metering chamber is a minimum (figs. 6 and 7), to a dispense position, whereat the dispensing piston (25) has displaced the lubricant present in the dispensing chamber (49) through the lubricant outlet (45 and 47) (see also fig. 17) and has moved the valve piston from the metering position to the intermediate position; and

wherein, upon pressure relief at the lubricant inlet (43), the valve piston (75) is *operable to be moved* (intended use) back from the intermediate position to the starting position by the first return spring (77), and the dispensing piston (25) is *operable to be* (intended use) moved back from the dispense position to the starting position by the second return spring (79).

Conley discloses all claimed element as set forth above including a hollow supporting body (117; please note that the bottom of the body is hollow (127 and 129)) but fails to disclose the hollow supporting body being arranged between the first return spring and the second return spring. However, Davis discloses a measuring valve (figs.

1-4) including a hollow supporting body (154 and 170) arranged within the housing (148 and 130) between a first return spring (168) and a second return spring (172) such that the hollow supporting body (154 and 170) supports and provides leverage for each of the first return spring (168) and the second return spring (172) while the first spring is accommodated in the hollow body and the supporting body surrounding the dispensing piston (156, 164 and 166) while braced on a shoulder (see where 154 is located). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the supporting body of Conley as hollow as the supporting body taught by Davis and arrange the supporting body between the springs as taught by Davis is an engineering design choice while such supporting body is easy and cost less to manufacture.

Re-claims 18 and 24, see the valve piston (75), the dispensing piston (25), said hollow supporting body (117), said first return spring (77), and said second return spring (79) are arranged in an axial configuration in a common passage of said housing.

Re-claim 20, see the second return spring (79) surrounding the first return spring (spiral coiled spring) (77).

Re-claim 22, see the second return spring (79) is braced on a bottom flange (125) of the hollow supporting body.

Response to Arguments

Applicant's arguments with respect to claims 17-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R./
Examiner, Art Unit 3657

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657